

# Historic Landmark and Historic District Protection Act of 1978

(D.C. Law 2-144, as amended)

*Note: This unofficial version is for the convenience of the user, and is not intended to substitute for the D.C. Official Code*

## AN ACT

### IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To provide protection for historic landmarks and historic districts in the District of Columbia

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the *Historic Landmark and Historic District Protection Act of 1978*.

#### **Section 2. Purposes.** (D.C. Official Code § 6-1101)

(a) It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historical, cultural and aesthetic merit are in the interests of the health, prosperity and welfare of the people of the District of Columbia. Therefore, this act is intended to:

- (1) Effect and accomplish the protection, enhancement and perpetuation of improvements and landscape features of landmarks and districts which represent distinctive elements of the city's cultural, social, economic, political and architectural history;
- (2) Safeguard the city's historic, aesthetic and cultural heritage, as embodied and reflected in such landmarks and districts;
- (3) Foster civic pride in the accomplishments of the past;
- (4) Protect and enhance the city's attraction to visitors and the support and stimulus to the economy thereby provided; and
- (5) Promote the use of landmarks and historic districts for the education, pleasure and welfare of the people of the District of Columbia.

(b) It is further declared that the purposes of this act are:

- (1) With respect to properties in historic districts:
  - (A) To retain and enhance those properties which contribute to the character of the historic district and to encourage their adaptation for current use;
  - (B) To assure that alterations of existing structures are compatible with the character of the historic district; and
  - (C) To assure that new construction and subdivision of lots in an historic district are compatible with the character of the historic district;
- (2) With respect to historic landmarks:
  - (A) To retain and enhance historic landmarks in the District of Columbia and to encourage their adaptation for current use; and
  - (B) To encourage the restoration of historic landmarks.

#### **Section 3. Definitions.** (D.C. Official Code § 6-1102)

For the purposes of this act the term:

- (1) *Alter* or *alteration* means a change in the exterior appearance of a building or structure or its site, not covered by the definition of demolition, for which a permit is required: Except, that *alter* or *alteration* also means a change in any interior space which has been specifically designated as an historic landmark.
- (2) *Commission of Fine Arts* means the United States Commission of Fine Arts established pursuant to the Act of May 17, 1910 (40 U.S.C. 104).
- (3) *Demolish* or *demolition* means the razing or destruction, entirely or in significant part, of a building or structure and includes the removal or destruction of any facade of a building or structure.
  - (3A) *Demolition by neglect* means neglect in maintaining, repairing, or securing an historic landmark or a building or structure in an historic district that results in deterioration of an

exterior feature of the building or structure or the loss of the structural integrity of the building or structure. *(Note: This subparagraph added by D.C. Law 13-281 on April 27, 2001).*

- (4) *Design* means exterior architectural features including height, appearance, texture, color and nature of materials.
- (5) *Historic district* means an historic district:
  - (A) listed in the National Register of Historic Places as of the effective date of this act;
  - (B) nominated to the National Register by the State Historic Preservation Officer for the District of Columbia; or
  - (C) which the State Historic Preservation Officer for the District of Columbia has issued a written determination to nominate to the National Register after a public hearing before the Historic Preservation Review Board.
- (6) *Historic landmark* means a building, structure, object or feature, and its site, or a site:
  - (A) listed in the National Register of Historic Places as of the effective date of this chapter; or
  - (B) listed in the District of Columbia's Inventory of Historic Sites, or for which application for such listing is pending with the Historic Preservation Review Board; provided, that the Review Board shall schedule a hearing on the application within 90 days of one having been filed, and will determine within 90 days of receipt of an application pursuant to sections 5 through 9 of this act whether to list such property as a historic landmark pursuant to the procedures contained in section 4(c)(5). *(Note: This subparagraph is as amended by D.C. Law 12-86 on April 29, 1998).*
- (7) *Historic Preservation Review Board* or *Review Board* means the Board designated pursuant to section 4 of this act and pursuant to regulations promulgated by the United States Secretary of the Interior under the Historic Preservation Act of 1966 (16 U.S.C. 470 *et seq.*).
- (8) *Mayor* means the Mayor of the District of Columbia, or his designated agent.
- (9) *National Register of Historic Places* or *National Register* means that national record of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology, and culture established pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470a).
- (10) *Necessary in the public interest* means consistent with the purposes of this act as set forth in section 2(b) or necessary to allow the construction of a project of special merit.
- (10A) *Public safety facility* means a fire station, police station, or any other building or structure owned by the District of Columbia used for public safety operations, but excludes facilities used primarily for administrative functions. *(Note: This paragraph is added by D.C. Law 15-228, effective March 16, 2005).*
- (11) *Special merit* means a plan or building having significant benefits to the District of Columbia or to the community by virtue of exemplary architecture, specific features of land planning, or social or other benefits having a high priority for community services.
- (12) *State Historic Preservation Officer* means the person designated by the Mayor to administer the National Register Program within the District of Columbia established pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. § 470 *et seq.*).
- (13) *Subdivide* or *subdivision* means the division or assembly of land into one or more lots of record, including the division of any lot of record into two or more theoretical building sites as provided by the Zoning Regulations of the District of Columbia (11 DCMR 2516 *et seq.*). *(Note: This paragraph is as amended by D.C. Law 8-232 on March 8, 1991).*
- (14) *Unreasonable economic hardship* means that failure to issue a permit would amount to a taking of the owner's property without just compensation or, in the case of a low-income owner(s) as determined by the Mayor, failure to issue a permit would place an onerous and excessive financial burden upon such owner(s).

#### **Section 4. Historic Preservation Review Board.** (D.C. Official Code § 6-1103)

(a) The Mayor is authorized to establish an Historic Preservation Review Board whose members shall be confirmed by the Council of the District of Columbia. The Review Board shall be constituted and its members qualified so as to meet the requirements of a State Review Board under regulations issued by the Secretary of the Interior pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 *et seq.*). Any body which functions as the District of Columbia State Review Board pursuant

to the National Historic Preservation Act of 1966 (16 U.S.C. § 470 *et seq.*) as of the effective date of this act, shall function as the Review Board pursuant to this section until a Review Board is established and its members nominated by the Mayor and confirmed by the Council of the District of Columbia pursuant to this section.

(b) Subject to the requirements of subsection (a) of this section, all appointments to the Historic Preservation Review Board shall be made with a view toward having its membership represent to the greatest practicable extent the composition of the adult population of the District of Columbia with regard to race, sex, geographic distribution and other demographic characteristics.

(c) The Review Board shall:

- (1) Advise the Mayor on the compatibility with the purposes of this act (as set forth in section 2) of the applications referred to it by the Mayor pursuant to sections 5 through 9 of this act;
- (2) Perform the functions and duties of a State Review Board as set forth in regulations issued pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. § 470 *et seq.*);
- (3) Designate and maintain a current inventory of historic landmarks and historic districts in the District of Columbia and, in connection therewith, adopt and publish appropriate procedures; and
- (4) Perform such other functions and duties relating to the protection, preservation, enhancement and perpetuation of the historic, architectural, cultural and aesthetic heritage of the District of Columbia as the Mayor may from time to time assign.
- (5) [This subparagraph, which read "Consider applications to designate historic landmarks under the contested case procedures contained in D.C. Official Code § 1-1509" was added by D.C. Law 12-256 on April 29, 1998, and repealed by D.C. Law 13-172 on October 19, 2000.]

(d) (1) If, after a hearing, the Review Board has determined to deny an application to designate a building, structure, object or feature, and its site, as a historic landmark, or has determined to deny an application to designate a historic district, the Review Board shall not accept a subsequent application for that designation within 12 months of the denial. (Note: This subparagraph was added by D.C. Law 12-86 on April 29, 1998).

- (2) If an application for designation of a historic landmark or historic district is withdrawn, no more than 1 new application may be filed 12 months from the date that the application is withdrawn. (Note: This subparagraph was added by D.C. Law 12-86 on April 29, 1998).

## **Section 5. Demolitions.** (D.C. Official Code § 6-1104)

(a) Before the Mayor may issue a permit to demolish an historic landmark or a building or structure in an historic district, the Mayor shall review the permit application in accordance with this section and place notice of the application in the *District of Columbia Register*.

(b) Prior to making the finding required by subsection (e) of this section, the Mayor may refer the application to the Historic Preservation Review Board for a recommendation, but shall so refer all applications that are not subject to review by the Commission of Fine Arts under the Old Georgetown Act (D.C. Official Code, § 6-1201 *et seq.*). The Mayor shall consider any recommendation by the Review Board or by the Commission of Fine Arts pursuant to such referral.

(c) Within 120 days after the Review Board receives the referral, the Mayor shall, after a public hearing, make the finding required by subsection (e) of this section: Provided, that the Mayor may make such finding without a public hearing in the case of a building or structure in an historic district or on the site of an historic landmark if the Review Board has advised in its recommendation that the building or structure does not contribute to the historic district or the historic landmark.

(d) If the Review Board recommends against granting the permit, it shall promptly notify the applicant in writing of its recommendation and the reasons therefor.

(e) No permit shall be issued unless the Mayor finds that issuance of the permit is necessary in the public interest, or that failure to issue a permit will result in unreasonable economic hardship to the owner.

(f) The owner shall submit at the hearing such information as is relevant and necessary to support his application.

(g) (1) In any instance where there is a claim of unreasonable economic hardship, the owner shall submit, by affidavit, to the Mayor at least 20 days prior to the public hearing, at least the following information:

(A) For all property:

- (i) The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased;
- (ii) The assessed value of the land and improvements thereon according to the two most recent assessments;
- (iii) Real estate taxes for the previous two years;
- (iv) Annual debt service, if any, for the previous two years;
- (v) All appraisals obtained within the previous two years by the owner or applicant in connection with his purchase, financing or ownership of the property;
- (vi) Any listing of the property for sale or rent, price asked, and offers received, if any; and
- (vii) Any consideration by the owner as to profitable adaptive uses for the property; and

(B) For income-producing property:

- (i) Annual gross income from the property for the previous two years;
- (ii) Itemized operating and maintenance expenses for the previous two years;
- (iii) Annual cash flow, if any, for the previous two years.

(2) The Mayor may require that an applicant furnish such additional information as the Mayor believes is relevant to his determination of unreasonable economic hardship and may provide in appropriate instances that such additional information be furnished under seal. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.

(h) In those cases in which the Mayor finds that the demolition is necessary to allow the construction of a project of special merit, no demolition permit shall be issued unless a permit for new construction is issued simultaneously under section 3 of this act and the owner demonstrates the ability to complete the project.

**Section 5a. Maintenance of property.** (D.C. Official Code § 6-1104.01) *(Note: This section was added by D.C. Law 13-281 on April 27, 2001).*

(a) The owner of an historic landmark or a contributing building or structure within an historic district or within a proposed historic district shall comply with all laws and regulations governing the maintenance of real property. The buildings or structures shall be preserved against decay and deterioration and shall be free from structural defects through prompt corrections of any of the following defects:

- (1) Facade which may fall and injure persons or property;
- (2) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls, or other vertical structural supports;
- (3) Members of ceilings, roofs, ceiling, and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration;
- (4) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors;

- (5) Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering; or
- (6) A fault or defect in the building which renders it not properly water-tight or structurally unsafe.

(b) An owner who fails to maintain a building or structure in compliance with this section shall be subject to the remedial procedures under section 5b and the penalties under section 11.

**Section 5b. Prevention of demolition by neglect.** (D.C. Official Code § 6-1104.02) *(Note: This section was added by D.C. Law 13-281 on April 27, 2001).*

(a) (1) If the Mayor determines that an historic landmark or a contributing building or structure within a historic district or within a proposed historic district is threatened by demolition by neglect, upon obtaining an order from the Superior Court of the District of Columbia, the Mayor may:

- (A) Require the owner to repair all conditions contributing to demolition by neglect; or
- (B) If the owner does not make repairs within a reasonable period of time, enter the property and make repairs as are necessary to prevent demolition by neglect.

(2) For the purposes of this subsection, the term “proposed historic district” means an historic district that is identified in an application filed with, and pending before, the District’s Historic Preservation Division or Historic Preservation Review Board.

(b) The costs of the work under subsection (a) of this section shall be charged to the owner and may be levied by the District of Columbia as a special assessment against the real property. The special assessment shall be a lien against the real property.

**Section 5c. Revolving fund.** (D.C. Official Code § 6-1104.03) *(Note: This section was added by D.C. Law 13-281 on April 27, 2001).*

(a) There is established within the General Fund of the District of Columbia, a nonlapsing, revolving fund which shall be available, without regard to fiscal year limitation pursuant to an act of Congress, for the purpose of paying the costs of correction of any condition contributing to demolition by neglect under section 5b. Any unexpended balance in this fund at the end of the year shall not revert to the General Fund of the District of Columbia, but shall be continually available for the uses and purposes set forth in this act, subject to authorization by Congress in an appropriations act.

(b) There shall be deposited to the credit of the fund:

- (1) Such amounts as may be appropriated for the fund;
- (2) Grants from any source to the fund or to the District of Columbia for the purposes of the fund;
- (3) Interest earned from the deposit or investment of monies of the fund;
- (4) Amounts assessed and collected as costs or penalties under this act, or otherwise received to recoup any amounts, incidental expenses, or costs incurred, obligated or expended for purposes of the fund; and
- (5) All other receipts derived from the operation of the fund.

(c) The Mayor shall include in the budget estimates of the District of Columbia for each fiscal year such amount as may be necessary for capitalization of the fund.

(d) Not later than 6 months after the end of each fiscal year, the Mayor shall submit to the Council a report of the financial condition of the fund and the results of the operations and collections for the fiscal year. The report shall include the itemized amounts of unrecovered costs, taxes, and penalties; the names of delinquent property owners; and the nature of corrected building violations.

**Section 6. Alteration.** (D.C. Official Code § 6-1105)

- (a) Before the Mayor may issue a permit to alter the exterior or site of an historic landmark or of a building or structure in an historic district, the Mayor shall review the permit application in accordance with this section and place notice of the application in the *District of Columbia Register*.
- (b) Prior to making the finding required by subsection (f) of this section, the Mayor may refer the permit application to the Historic Preservation Review Board for a recommendation, but shall so refer all applications that are not subject to review by the Commission of Fine Arts under the Old Georgetown Act (D.C. Official Code, § 6-1201 *et seq.*) or the Shipstead-Luce Act (D.C. Official Code, § 6-611.01). The Mayor shall consider any recommendation by the Review Board or by the Commission of Fine Arts pursuant to such referral.
- (c) Within 120 days after the Review Board receives the referral pursuant to subsection (b) of this section, the Mayor shall make the finding required by subsection (f) of this section.
- (d) If the Review Board recommends against granting the application, it shall promptly notify the applicant in writing of its recommendation and the reasons therefor.
- (e) In cases in which a claim of unreasonable economic hardship or special merit is made and in any other case he deems appropriate or in which the applicant so requests, the Mayor shall hold a public hearing on the permit application.
- (f) No permit shall be issued unless the Mayor finds that such issuance is necessary in the public interest or that a failure to issue a permit will result in unreasonable economic hardship to the owner.
- (g) The owner shall submit at the hearing such information as is relevant and necessary to support his application. In any instance where there is a claim of unreasonable economic hardship, the owner shall comply with the requirements of subsections (f) and (g) of section 5 of this act.

**Section 7. Subdivisions.** (D.C. Official Code § 6-1106)

- (a) Before the Mayor may admit to record any subdivision of an historic landmark or of a property in an historic district, the Mayor shall review the application for admission to record in accordance with this section and place notice of the application in the *District of Columbia Register*.
- (b) Prior to making the finding on the application for admission to record required by subsection (e) of this section, the Mayor shall refer the application to the Historic Preservation Review Board for its recommendation.
- (c) Within 120 days after the Review Board receives the referral, the Mayor shall, after a public hearing, make the finding required by subsection (e) of this section: Provided, that the Mayor may make such finding without a public hearing in the case of a subdivision of a lot in an historic district if the Review Board advises him that such subdivision is consistent with the purposes of this act.
- (d) If the Review Board recommends against granting the application, it shall promptly notify the applicant in writing of its recommendation and the reasons therefor.
- (e) No subdivision subject to this act shall be admitted to record unless the Mayor finds that admission to record is necessary in the public interest or that a failure to do so will result in unreasonable economic hardship to the owner.
- (f) The owner shall submit at the hearing such information as is relevant and necessary to support his application. In any case in which there is a claim of unreasonable economic hardship, the owner shall comply with the requirements of subsections (f) and (g) of section 5 of this act.

(g) In those cases in which the Mayor finds that the subdivision is necessary to allow the construction of a project of special merit, no subdivision permit shall be issued unless a permit for new construction is issued simultaneously under section 8 of this act and the owner demonstrates the ability to complete the project.

**Section 8. New Construction.** (D.C. Official Code § 6-1107)

(a) Before the Mayor may issue a permit to construct a building or structure in an historic district or on the site of an historic landmark, the Mayor shall review the permit application in accordance with this section and shall place notice of the application in the *District of Columbia Register*.

(b) Prior to making the finding on the permit application required by subsection (f) of this section, the Mayor may refer the application to the Historic Preservation Review Board for recommendation, but shall so refer all applications that are not subject to review by the Commission of Fine Arts under the Old Georgetown Act (D.C. Official Code § 6-1201 *et seq.*) or the Shipstead-Luce Act (D.C. Official Code § 6-611.01). The Mayor shall consider any recommendation by the Review Board or by the Commission of Fine Arts pursuant to such referral.

(c) Within 120 days after the Review Board receives the referral, the Mayor shall make the finding required by subsection (f) of this section.

(d) If the Review Board recommends against granting the application, it shall promptly notify the applicant in writing of its recommendation and the reasons therefor.

(e) In any case where the Mayor deems appropriate, or in which the applicant so requests, the Mayor shall hold a public hearing on the permit application.

(f) The permit shall be issued unless the Mayor, after due consideration of the zoning laws and regulations of the District of Columbia, finds that the design of the building and the character of the historic district or historic landmark are incompatible; provided, that in any case in which an application is made for the construction of an additional building or structure on a lot where there is presently a building or structure, the Mayor may deny a construction permit entirely where he finds that any additional construction will be incompatible with the character of the historic district or historic landmark.

**Section 9. Application for Preliminary Review.** (D.C. Official Code § 6-1108)

An applicant may apply to the Mayor for a preliminary review of a project for compliance with the provisions of this act relating to new construction, and to any demolition, alteration or subdivision necessary for such new construction. Upon the provision of such information and upon compliance with such other conditions as the Mayor may require, such application shall be considered by the Mayor without the necessity of the applicant completing other permit requirements not necessary for a finding under this act. Where an application for a preliminary review is received pursuant to this section, the Mayor will determine, in accordance with the procedures and requirements specified in sections 5, 6, 7, and/or 8, as applicable, whether to issue a preliminary finding of compliance with this act; provided, that no permit shall be granted except in accordance with all other permit requirements, and after final review by the Mayor under this act; provided further, that where the final review shows that the project is not consistent with the preliminary review, the application will again be processed in accordance with the procedures and requirements of sections 5, 6, 7, and/or 8, as applicable.

**Section 9a. Conceptual review of public safety facilities.** (D.C. Official Code § 6- ) (Note: This section was added by D.C. Law 15-228 on March 16, 2005).

(a) For any public safety facility that is a historic landmark, potential historic landmark as determined by the State Historic Preservation Officer, or building or structure within a historic district, the Mayor shall conduct conceptual review of a proposed rehabilitation or new construction

in accordance with this section and shall place notice of the application for conceptual review in the District of Columbia Register.

(b) Before proceeding beyond conceptual plans for a proposed rehabilitation or new construction, and before making the referral required in section 5(b), 6(b), 7(b), or 8(b), the Mayor shall refer an application for conceptual review of a proposed rehabilitation or new construction plan to the State Historic Preservation Officer and the Historic Preservation Review Board, and may refer the application to the Commission of Fine Arts for a recommendation.

(c) The State Historic Preservation Officer shall advise the Mayor on how to accommodate the rehabilitation or new construction plan with any historic preservation interests consistent with operational needs of the public safety facility.

(d) (1) The Historic Preservation Review Board shall:

- (A) Advise the Mayor on the compatibility of the rehabilitation or new construction plan with the purposes set forth in section 2(b); and
- (B) Determine whether to list the property as a historic landmark pursuant to section 4(c).

(2) If the Review Board recommends against granting the application, it shall promptly notify the Mayor in writing of its recommendation and the reasons for it.

(e) Within 120 days after the Mayor refers the application for conceptual review to the Historic Preservation Review Board pursuant to subsection (b) of this section, the Mayor shall make the finding required by subsection (f) of this section. If the Mayor makes no finding within 120 days, the project shall be deemed to be one of special merit as that term is defined in section 3(11), and the affected public safety agency may proceed with the design and permit process, unless the affected public safety agency and the State Historic Preservation Officer agree in writing to an extension of time for the Mayor to make the finding required by subsection (f) of this section.

(f) No permit shall be issued unless the Mayor finds that the issuance of a permit is necessary in the public interest. Upon making a finding, the Mayor shall issue an order defining the nature of the approved conceptual design and specifying any further consultation the Mayor considers appropriate prior to the submission of the application required in section 5(b), 6(b), 7(b), or 8(b).

(g) In a case in which a claim of special merit is made, the Mayor shall hold a public hearing on the conceptual review application. In considering a claim of special merit, substantial rehabilitation or new construction for operational needs of a public safety facility shall constitute a public interest having a significantly higher priority than that of historic preservation. The Mayor may consider increased costs of historic preservation that constitute an excessive financial burden on the operational needs of the facility in deciding whether to issue a permit.

## **Section 10. Regulations.** (D.C. Official Code § 6-1109)

The Mayor is authorized to issue such regulations as may be necessary or appropriate to carry out his duties under this act. Such regulations shall be issued to take effect within 60 days from the effective date of this act.

## **Section 11. Penalties and Remedies.** (D.C. Official Code § 6-1110)

(a) *Criminal penalty.* Any person who willfully violates any provision of this act or of any regulation issued under the authority of this act shall, upon conviction, be fined not more than \$1,000 or be imprisoned for not more than 90 days, or both. All prosecutions for violations of this act or of any regulations issued under the authority of this act shall be brought in the name of the District of Columbia in the Superior Court of the District of Columbia by the Corporation Counsel or any of his assistants.



(b) *Civil remedy.* Any person who demolishes, alters or constructs a building or structure in violation of sections 5, 6, or 8 of this act shall be required to restore the building or structure and its site to its appearance prior to the violation. Any action to enforce this subsection shall be brought by the Corporation Counsel. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

(c) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this act, or any rules or regulations issued under the authority of this act, pursuant to the Civil Infractions Act of 1985 (D.C. Official Code § 2-1801 *et seq.*). Adjudication of any infraction of this act shall be pursuant to the Civil Infractions Act of 1985 (D.C. Official Code § 2-1801 *et seq.*).

## **Section 12. Insanitary and Unsafe Buildings.** (D.C. Official Code § 6-1111)

(a) Nothing in this act shall interfere with the authority of the Board for the Condemnation of Insanitary Buildings to put a building or structure into sanitary condition or to demolish it pursuant to the provisions of the Act of May 1, 1906 (D.C. Official Code, §§ 5-701 through 5-719); except, that no permit for the demolition of an historic landmark or building or structure in an historic district shall be issued to the owner except in accordance with the provisions of this act.

(b) Nothing in this act shall affect the authority of the District of Columbia to secure or remove an unsafe building or structure pursuant to the Act of March 1, 1899 (D.C. Official Code, §§ 5-601 through 5-603).

## **Section 13. Administrative Procedures.** (D.C. Official Code § 6-1112)

(a) In any case of demolition, alteration, subdivision, or new construction in which a hearing was held, the Mayor's decision on such application shall not become final until 15 days after issuance. In all applications for which a hearing is held, the Mayor's decision must be issued within 120 days after the hearing record is closed, including the filing of any required post-hearing submissions. *(Note: This subsection was amended by D.C. Law 12-86, effective April 29, 1998, which added the sentence "The hearing by the Review Board upon the filing of an application to designate a historic landmark shall be conducted under the contested case procedures contained in §1-1509. Any final order of the Mayor under this act and any final order of the Review Board regarding the designation of a historic landmark shall be reviewable in the District of Columbia Court of Appeals." D.C. Law 13-172, effective October 19, 2000, deleted these sentences, substituted "120 days" for "60 days" and deleted "or the application shall be deemed approved by the Mayor" at the end of the second sentence, which had also been added by D.C. Law 12-86. D.C. Law 13-313, effective June 19, 2001, added "subdivision" and amended D.C. Law 13-172 to provide that its provisions apply only prospectively to hearings held by the Mayor or the HPRB after October 19, 2000).*

(b) All proceedings pursuant to this act shall be conducted in accordance with the applicable provisions of the District of Columbia Administrative Procedure Act (D.C. Official Code, § 2-501 *et seq.*). *(Note: This subsection is as amended by D.C. Law 13-172 on October 19, 2000).*

## **Section 14. Annual Report.** (D.C. Official Code § 6-1113)

At the end of each 12-month period following the effective date of this act, the Mayor shall transmit to the Council a detailed report on the implementation of this act including, but not limited to:

- (1) The number of applications for alterations in historic districts;
- (2) The number of such applications granted without hearing as pertaining to buildings in historic districts that do not contribute to the historic district;
- (3) The number of such applications granted after hearing as in the public interest;
- (4) The number of applications granted after hearing on the basis of economic hardship;
- (5) The number of such applications which are denied. For each denial the report should specify:
  - (A) the nature of the requested alteration;
  - (B) why it was found to not be in the public interest; and
  - (C) whether economic hardship was claimed and if so, why it was found not to exist.

## **Section 15. Repealers.** (Deleted from the D.C. Official Code)

Regulation No. 73-25 (Delay-in-Demolition) and the Historic Sites Subdivision Amendment of 1976, effective September 2, 1976 (D.C. Law 1-30), are hereby repealed.

**Section 16. Severability.** (D.C. Official Code § 6-1114)

The sections of this chapter are hereby declared to be severable. In the event that any section of this act or portion thereof is held void or unenforceable for whatever reason, all remaining provisions shall remain in full force and effect.

**Section 17. Effective Date.** (D.C. Official Code § 6-1115)

This act shall become effective as provided for acts of the Council of the District of Columbia in D.C. Official Code § 1.206.02(c)(1). Notwithstanding any other provision of law, upon the effective date of this act, all pending applications for permits shall be subject to this act and no outstanding permits shall be renewed or reissued except in accordance with the provisions of this act.

*Effective March 3, 1979*

*Amendments:*

*Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 (D.C. Law 6-42, effective October 5, 1985)*

*Historic Landmark and Historic District Protection Amendment Act of 1990 (D.C. Law 8-232, effective December 27, 1990)*

*Omnibus Regulatory Reform Amendment Act of 1998 (D.C. Law 12-86, effective April 29, 1998)*

*Historic Preservation Reorganization and Amendment Act of 2000 (D.C. Law 13-172, effective October 19, 2000)*

*Technical Amendments Act of 2000 (D.C. Law 13-313, effective June 19, 2001)*

*Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000 (D.C. Law 13-281, effective April 27, 2001)*

*Historic Preservation Process for Public Safety Facilities Amendment Act of 2004 (D.C. Law 15-228, effective March 16, 2005)*